



# University of Hawaii at Manoa

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June 5, 1987  
RR:0082

Mr. James Morrow, Chair  
Environmental Council  
465 South King Street, Room 104  
Honolulu, Hawaii 96813

Dear Mr. Morrow:

## Maui County Exemption List Proposed Additions

The proposed additions to the Maui County Exemption List, as published in the OEQC Bulletin (5/23/87), was reviewed by our staff with the assistance of Matthew Spriggs of the Anthropology Department. We offer the following comments for your consideration:

### Exemption Class #1

#### 1. Resurfacing of existing streets and highways and parking areas.

We have two areas of concern with regard to this requested exemption. The first involves the potential for archaeological impacts. If the "resurfacing" will require additional grading of streets, highways, and parking areas, such as might be necessary for those areas where the prior surfacing material was gravel, and asphalt now is proposed, then the potential for impacts to archaeological resources should be considered. This has certainly been the case on Oahu where street improvements or sewer lines (in street right-of-ways) have required excavation. If an exemption is granted, it would seem appropriate to limit it to minor repairs or resurfacing of existing streets, highways, and parking areas that do not require additional grading or excavation.

The second area of concern involves drainage and runoff impacts. If the present surface is gravel or some other porous surface, then resurfacing with impervious materials, such as asphalt, may lead to drainage and runoff impacts. Exemptions for resurfacing may need to be limited to resurfacing with materials with porosity characteristics similar to the existing surface.

Exemption Class #2

Exemption class #2 allows for the replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced. The requested exemptions under this class include: 1. Bridges; 2. Structures; and 3. Buildings.

Several questions come to mind with the exemptions proposed. In the first place, both bridges and buildings are "structures" so there seems to be no need for the separate designations. Exemption of "structures" seems unduly broad. For example, bridge structures, particularly those that might need replacement or reconstruction, are likely old and of potentially inadequate design (capacity) to meet today's standards. Replacement with a structure of similar capacity, density, etc. seems likely to be inappropriate. Furthermore, stream channelization and stream flow records of today may suggest that significant modifications are needed to bridge structures.

The construction techniques of today may be significantly different than those used when the structures needing replacement or repair were built. Heavy equipment can have significant effects on forest lands or sensitive stream bed areas where bridge reconstruction may be needed. The environmental effects and possible mitigative measures to reduce these effects should receive consideration. Exemption of bridges and structures would preclude or at the least limit such analysis.

As presently drafted, the term "structures" could apply to any type of building in any type of environment. There are sensitive areas, for example, the coastal zone, where replacement or reconstruction of existing structures with like structures, might be most unwise. For example, older sea walls, park buildings, or sewage treatment plants that are in need of replacement are also likely to need reevaluation of their engineering design in light of current structural techniques. Furthermore, some of these structures are likely to be in flood prone areas and therefore require special design considerations to meet present day legal requirements. To provide an essentially blanket exemption from environmental review for "structures," "bridges," and "buildings," regardless of the area, design, purpose, or size of the structure to be replaced, is inappropriate in our opinion.

Exemption Class #3

As indicated in the rules, actions covered under exemption class #3 are limited to the construction of one single family residence or one 4-dwelling unit structure. The requested exemptions would include:

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1. Additions to buildings or structures not exceeding 25% in floor area or change in occupancy, and
2. Extension of or installation of additional water and sewer laterals for a single or several residential units or commercial establishments.

It would appear that some limit on the size of the building addition that could be exempt from environmental review should be considered. We see no significant problems with single family residences and the 25% rule. However, a 25 percent increase in some commercial establishments in environmentally sensitive areas could be highly significant. Again, a limitation on the application of the exemption seems needed.

The extension of or installation of additional water and sewer laterals for a single family residence (as is provided by the rules) is not likely to have a significant impact. To extend this exemption to several residential units and commercial establishments would be directly contrary to the specific limitations provided in the Exemption Class #3 rules. The potential environmental significance of the action requested is highly site specific and should be environmentally assessed. The exemption of several units and commercial establishments does not seem appropriate.

We appreciate the opportunity to comment and hope you will find our input helpful to your decision making.

Yours truly,

*Jacquelin N. Miller* *Jab*

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Associate Environmental Coordinator

cc: OEQC  
L. Stephen Lau  
Matthew Spriggs